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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR             | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/555,548      | 08/01/2000  | ANTONIUS ADRIANUS ARNOLDUS SMITS | 702-001034          | 8364             |

7590 03/13/2003  
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EXAMINER

ROSSI, JESSICA

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1733

DATE MAILED: 03/13/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/555,548

Applicant(s)

SMITS, ANTONIUS ADRIANUS  
ARNOLDUS

Examiner

Jessica L. Rossi

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/11/03, Amendment D, paper no. 16.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-21,23-29,31-33 and 37 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 19-21,23-29,31-33 and 37 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.

- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)

- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

- 4) ☒ Interview Summary (PTO-413) Paper No(s). 15.

- 5) ☐ Notice of Informal Patent Application (PTO-152)

- 6) ☐ Other:

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response to the amendment dated 2/11/03. Claims 19-21, 23-29, 31-33, and 37 are pending.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claims 19-21, 23-29, 31-33, and 37 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to claim 19, the present specification does not have support for “a stock of objects, wherein each object may have a different thickness.” According to the specification, the apparatus is capable of affixing different kinds of objects to moving products (p. 2, lines 1-5). However, the specification does not teach (1) placing these “different” objects in the holder at the same time and affixing them to products during a continuous cycle of the affixing means and it does not teach (2) these “different” objects having varying thickness. This is clearly evidenced by the example on p. 7 where Applicants teach a stock of shampoo bags 6, having the **same thickness**, being placed **alone** in the holder and then being attached to moving products using the affixing means of the present invention (lines 17-20). Applicants are asked to clarify.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 19-21, 23, 25-26, 28-29, and 31-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Voltmer et al. (of record) in view of Keeler et al. (of record) as set forth in paragraph 7 of the previous office action, paper no. 13.

With respect to claim 19, Applicants are invited to reread paragraph 7 of the previous office action for a complete discussion of the references. As for the affixing means having at least one nozzle, Applicants are invited to reread the rejection of previous claim 21. As for the objects having varying thickness, one reading the reference as a whole would have appreciated that the holder 32 and carriers/heads 21 would have been capable of removing and affixing literature 19 having varying thickness (Figure 1).

Regarding claim 21, the diameter of the nozzle would have been within purview of the skilled artisan depending on the desired suction force of the nozzle.

6. Claims 24 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Voltmer et al. and Keeler et al. as applied to claim 19 above, and further in view of Utsumi (of record) as set forth in paragraph 8 of the previous office action.

7. Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Voltmer et al. '459 and Keeler et al. as applied to claim 19 above, and further in view of Voltmer et al. '608 (of record) as set forth in paragraph 9 of the previous office action.

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8. Claims 19-21, 23, 25-26, and 28-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsovic (of record) in view of Keeler et al as set forth in paragraph 10 of the previous office action.

With respect to claim 19, Applicants are invited to reread paragraph 10 of the previous office action for a complete discussion of the references. As for the affixing means having at least one nozzle, Applicants are invited to reread the rejection of previous claim 21. As for the objects having varying thickness, one reading the reference as a whole would have appreciated that the holder 20 and transfer shoes 34' would have been capable of removing and affixing

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objects 12 having varying thickness (Figure 3) given that each transfer shoe can be mounted on its own radially translatable support means, such as a telescoping tube arrangement (column 6, lines 15-21). Therefore, the thickness of the object would dictate how far the transfer shoe would have to be radially extended during removing and affixing of the product.

Regarding claim 21, the diameter of the nozzle would have been within purview of the skilled artisan depending on the desired suction force of the nozzle.

9. Claims 31-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsovic and Keeler et al. as applied to claim 19 above, and further in view of Voltmer et al. '459 as set forth in paragraph 11 of the previous office action.

10. Claims 24 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsovic and Keeler et al. as applied to claim 19 above, and further in view of Utsumi as set forth in paragraph 12 of the previous office action.

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11. Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Tomosovic and Keeler et al. as applied to claim 19 above, and further in view of Voltmer et al. '608 as set forth in paragraph 13 of the previous office action.

12. Claims 19-21, 23, 25-26, and 28-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Konstantin (of record) in view of Keeler et al. as set forth in paragraph 14 of the previous office action.

With respect to claim 19, Applicants are invited to reread paragraph 14 of the previous office action for a complete discussion of the references. As for the affixing means having at least one nozzle, Applicants are invited to reread the rejection of previous claim 21. As for the objects having varying thickness, Konstantin teaches the shape and size of the objects 33 may be varied (column 5, lines 32-33).

Regarding claim 21, the diameter of the nozzle would have been within purview of the skilled artisan depending on the desired suction force of the nozzle.

13. Claims 31-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Konstantin and Keeler et al. as applied to claim 19 above, and further in view of Voltmer et al. '459 as set forth in paragraph 15 of the previous office action.

14. Claims 24 and 37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Konstantin and Keeler et al. as applied to claim 19 above, and further in view of Utsumi as set forth in paragraph 16 of the previous office action.

15. Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Konstantin and Keeler et al. as applied to claim 19 above, and further in view of Voltmer '608 as set forth in paragraph 17 of the previous office action.

***Response to Arguments***

16. Applicant's arguments filed 2/11/03 have been fully considered but they are not persuasive.

17. On page 3 of the arguments, Applicants argue that Voltmer '459 teaches the carriers/heads 21 may not be radially extended to receive objects of varying thickness. Applicants argue that the reference teaches the heads extending to affix the objects to the products and therefore it fails to teach or suggest accommodating objects having varying thickness because the motion of the heads 21 is dictated by the size of the product 20 and not by the thickness of the object 19.

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Firstly, as set forth in the previous office action, heads 21 comprise heater blocks 23, 23' (refer to 12 o'clock position in Figure 1), which support the objects 18/19 thereon. As clearly shown in Figure 1, these heater blocks are in an extended position when receiving the objects from the holder 32 (2 o'clock position) as opposed to being in a retracted position when they affix the objects to moving products 20 (6 o'clock position). It appears that Applicants are mistakenly referring to reference number 29 when they talk about the heads being extended.

18. On page 4, Applicants argue that Keeler fails to teach accommodating objects having varying thickness.

The examiner respectfully points out that Keeler was only used to show it is known in the art to drive an affixing apparatus intermittently between rotation and standstill so that the carriers can remove objects from a holder during standstill.

19. On page 5 of the arguments, Applicants argue that the apparatus of Tomsovic has no provision for accommodating objects having varying thickness. Applicants also argue that the reference fails to teach at least one suction nozzle.

Applicants are invited to reread the rejection set forth in paragraph 8 above.

20. On page 7 of the arguments, Applicants argue that Konstantin fails to teach or suggest accommodating objects having varying thickness and the affixing means being at a standstill when the objects are removed from the holder.

Applicants are invited to reread the rejection set forth in paragraph 12 above.

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***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **703-305-5419**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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Jessica L. Rossi  
Patent Examiner  
Art Unit 1733



jl  
March 11, 2003

  
**Michael W. Ball**  
**Supervisory Patent Examiner**  
**Technology Center 1700**